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8 Attorneys for ERIC MCCARTT

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.
15 ERIC MCCARTT,
16 Defendant.

Case No. 3:18-CR-038-HDM-WGC

**ORDER GRANTING
STIPULATION TO CONTINUE
SENTENCING HEARING
(TWELTH REQUEST)**

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18 It is stipulated and agreed to by Federal Public Defender Rene L. Valladares and
19 Assistant Federal Public Defenders Sylvia Irvin and Katherine Tanaka, counsel for Eric
20 McCartt, and Trial Attorney for the U.S. Department of Justice Charles Schmitz, counsel for
21 the United States of America, that the Sentencing Hearing currently scheduled on January 26,
22 2021, be vacated and continued to March 16, 2021, or to a later date that is convenient to this
23 Court.

24 This Stipulation is entered into for the following reasons:

25 1. This is a joint request by counsel for the Government and counsel for Defendant
26 McCartt.

1 2. The additional time requested by this Stipulation is reasonable pursuant to
2 Federal Rule of Criminal Procedure 32(b)(2), which states that the “court may, for good cause,
3 change any time limits prescribed in this rule.”

4 3. Both counsel previously sought continuances to allow defense counsel to review
5 former Sgt. Carry’s personnel file, which is more than 900 pages, and which under the
6 protective order, required an in-person review at the U.S. Attorney’s office. ECF Nos. 63, 65.

7 4. Recent stay-at-home orders, travel restrictions, and social distancing strictures
8 related to COVID-19 hampered defense counsels’ ability to review former Sgt. Carry’s
9 personnel file under the conditions set forth in the protective order. After defense counsel
10 reviewed these documents, counsel needed time to discuss with the defendant.

11 5. Counsel also asked for additional time to allow the Government to confirm the
12 restitution amount and any other applicable restitution information. Since the last request, both
13 counsel have worked diligently on this issue, but there are still restitution issues that need to be
14 finalized.

15 6. One other substantive matter in preparation for sentencing has arisen. In light
16 of the minimum mandatory sentence, the significant guidelines, the government’s sentence
17 recommendation, and the potential sentence that may be imposed, defense counsel wants to
18 ensure that she has done all she can in order to ensure that she is providing McCartt effective
19 assistance of counsel in preparation for the sentencing hearing. Defense counsel asks for a
20 continuance of the sentencing hearing to resolve this substantive matter before sentencing.

21 7. The defendant is in custody and agrees with the need for the continuance.

22 8. The parties agree to the continuance.

1 This is the twelfth request for a continuance of the sentencing hearing.

2 DATED this 12th day of January, 2021.

3 RENE L. VALLADARES
4 Federal Public Defender

STEVEN J. GROCKI
Chief, CEOS Section,
Criminal Division

5 By: /s/ Sylvia Irvin

By: /s/ Charles Schmitz

6 SYLVIA IRVIN
7 Assistant Federal Public Defender
8 Counsel for ERIC MCCARTT

CHARLES SCHMITZ
U.S. Department of Justice
Counsel for the Government

9 By: /s/ Katherine Tanaka
10 KATHERINE TANAKA
11 Assistant Federal Public Defender
12 Counsel for ERIC MCCARTT
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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ERIC MCCARTT,

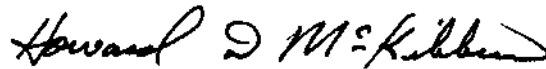
7 Defendant.

Case No. 3:18-CR-038-HDM-WGC

ORDER

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10 Based on the pending Stipulation of counsel, and good cause appearing,
11 IT IS THEREFORE ORDERED that the Sentencing Hearing currently scheduled for
12 January 26, 2021, at 12:00 PM., be vacated and continued to March 16, 2021, at 11:00 AM in
13 Reno Courtroom 4 before Judge Howard D. McKibben. IT IS SO ORDERED.

14 DATED this 12th day of January, 2021.

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UNITED STATES DISTRICT JUDGE